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September 8, 2004

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To: Sheldon J. Richter, Patent Examiner
Phone: (703) 305-0475

From: Oscar L. Fellows, Inventor
Phone: (512) 864-2097

Subject: Application 10/656,144 Filing Date 09/08/2003 Confirmation No. 1363

Re: Response to Examiners Action of September 2, 2004

Dear Mr. Richter,

Per our phone conversation this date:

--Regarding Claim 9 as objected to; please delete the words "or Claim 8" from Claim 9 of the Application. Claim 9 should now read:

The heat engine as claimed in Claim 1, in which thermal energy is injected into the periodic acoustical traveling waves via the first heat exchanger-waveguide means in order to amplify the temperature and pressure gradients of said periodic acoustical traveling waves with respect to the static working fluid through which they are propagating.

--Regarding Claim 20 as rejected; please omit/delete Claim 20 in its entirety from the Application.

I understand that these actions will correct the deficiencies in the Application. Thank you for your help.

Sincerely,

Oscar L. Fellows

Attachments: Examiner's action of 09/02/2004 (5 sheets in addition to this cover letter).

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APPLICATION NO. 10/656,144	FILING DATE 09/08/2003	FIRST NAMED INVENTOR Oscar Lee Fellows	ATTORNEY DOCKET NO.	CONFIRMATION NO. 1363
7590 09/02/2004 Oscar L. Fellows 112 Clear Spring Rd. Georgetown, TX 78628-2611			EXAMINER RICKYER, ARLETON J	
			ART UNIT 3748	PAPER NUMBER

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-900 (Rev. 10/03)

Office Action Summary		Application No. 10/656,144	Applicant(s) FELLOWS, OSCAR LEE
		Examiner Sheldon J Richter	Art Unit 3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply
 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
 Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
 Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status
 1) ☐ Responsive to communication(s) filed on _____.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims
 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 1-8 and 10-19 is/are allowed.
 6) ☒ Claim(s) 20 is/are rejected.
 7) ☒ Claim(s) 9 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Attachment Papers
 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119
 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 4) ☐ Interview Summary (PTO-413)
 5) ☐ Paper Note(s)/Mail Date _____
 6) ☐ Notice of Informal Patent Application (PTO-152)
 7) ☐ Other: _____

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DETAILED ACTION

Claim Objections

1. Claim 9 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Corey. See Fig. 5B of Corey, and the accompanying description in the specification.

Allowable Subject Matter

4. Claims 1-8 and 10-19 are allowed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheldon J Richter whose telephone number is (703) 305-0475. The examiner can normally be reached on M-F 9:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (703) 308-2623. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheldon J Richter
Primary Examiner
Art Unit 3748

SJR

Notice of References Cited	Application/Control No. 10/656,144	Applicant(s)/Patent Under Reexamination FELLOWS, OSCAR LEE	
	Examiner Sheldon J Richter	Art Unit 3748	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	RECEIVED CENTRAL FAX CENTER SEP 08 2004	Classification
	A	US-6,578,364	06-2003	Corey, John A.		62/8
	B	US-6,385,972	05-2002	Fellows, Oscar Lee		60/517
	C	US-6,514,047	02-2003	Burr et al.		417/53
	D	US-6,725,670	04-2004	Smith et al.		60/520
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
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FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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